

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14648 of Ellis Ratner, pursuant to Section 3108.1 of the Zoning Regulations, for a special exception to continue use as a community based residential facility for five or more persons within 1000 feet of another community based residential facility (Section 217.6) at premises 1221 Gallatin Street, N.W., (Square 2929, Lot 11).

HEARING DATE: July 29, 1987

DECISION DATE: July 29, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1221 Gallatin Street, N.W., is located on the north side of Gallatin Street, between Georgia Avenue, and 13th Street. The site is located in an R-1-B District.
2. The site is rectangular in shape with a frontage of 35 feet along Gallatin Street, and a depth of 133.35 feet. A 20 foot wide public alley is located to the rear of the site. The site is improved with a two story plus basement structure originally constructed as a single-family residence.
3. The R-1-B District extends in all directions from the site. Uses in the area include single-family detached dwellings, row dwellings and apartment houses.
4. Pursuant to Section 3108.1 of the Zoning Regulations the applicant is seeking a special exception to use the property as a community based residential facility (CBRF) for five or more persons within 1000 feet of another CBRF (Section 217.6).
5. A community residence facility for four persons has been operated as a matter-right use at the site since 1980 by a tenant, who also lives at the facility. The applicant proposes to add two more residents to the facility.
6. Since 1980 the basement of the structure has been improved to allow the operator to relocate her residence from the first floor to the basement resulting in space to accomodate two additional residents.
7. The facilities at the site consist of four bedrooms (three large and one small), a large living room, dining room, kitchen, den, backyard and front porch.

8. Two employees will work at the site. No men employees will be required for the increase in the number of residents.

9. Employees travel to and from the site by bus. Residents do not operate vehicles.

10. Another Community Residence Facility is located at the 5000 block of 9th Street, N.W., east of Georgia Avenue, and approximately six hundred feet away from the subject site.

11. By memorandum dated July 21, 1987 the Office of Planning recommended approval of the application as having six residents at the site is not likely to impact the surrounding area adversely.

12. Advisory Neighborhood Commission 4-C submitted no report on the application.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements Sub-sections 3108.1 and 217.6 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.

The Board finds that the cumulative effect of the subject facility and other C.B.R.F. within 1000 feet of the site will not have an adverse impact on the neighborhood because of traffic, noise or operations.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

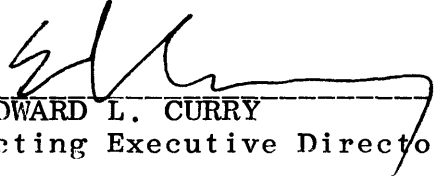
Accordingly, it is ORDERED that the application is GRANTED SUBJECT or the following CONDITIONS:

1. The number of residents at the facility shall not exceed six.
2. The number of staff at the facility shall not exceed three including the operator.

VOTE: 4-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: OCT 7 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT".

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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